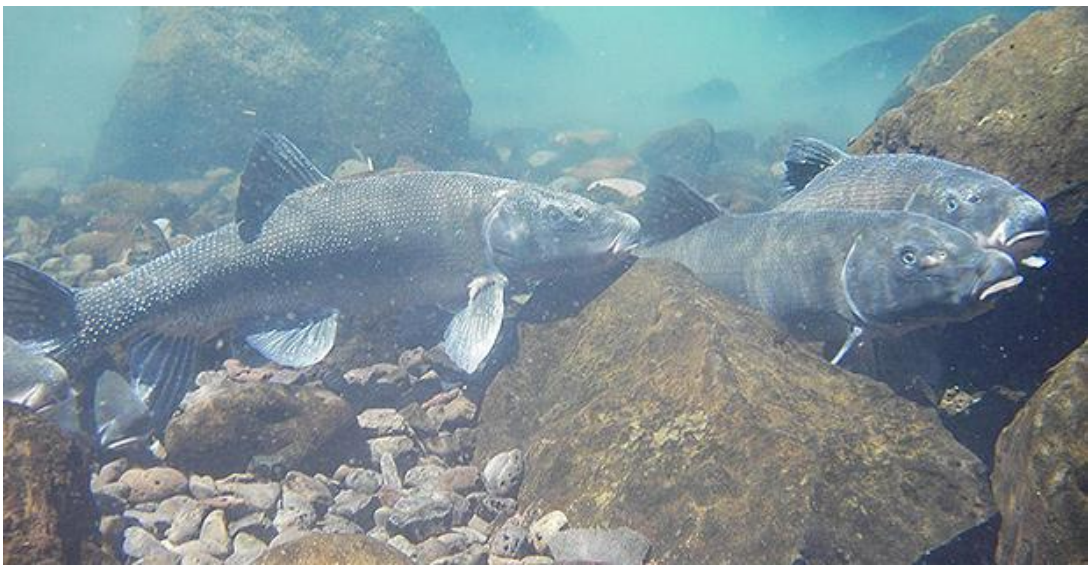
WESTERN WATER

Judge nixes reduced Klamath River flows for sucker fish

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Lost River suckers congregate to spawn on Sucker Springs in Oregon's Upper Klamath Lake. Brian Hayes/USGS

A judge has ruled against the Klamath Tribes in a lawsuit that accuses federal regulators of violating the Endangered Species Act by letting water levels fall too low for sucker fish to spawn in a lake that also feeds an elaborate irrigation system along the Oregon-California border.

The ruling Thursday, **reported** by the *Herald and News* in Klamath Falls, Ore., comes as the region confronts one of the driest years in memory. The Bureau of Reclamation last month announced that farmers who irrigate from its Klamath Project water-management area will get so little water that farming may not even be worthwhile this summer.

At the same time, the drought has brought to a head a conflict between the water needs of two protected fish species in the region after decades of instability. The Klamath Tribes consider the federally endangered sucker fish central to their creation story and culture, while the Yurok hold the federally threatened coho salmon in the lower Klamath River sacred and rely on them as a critical food source.

With scarce water in the Klamath Basin, the tribes are left to try to use the courts to secure enough of the precious liquid for the respective fish species.

The Klamath Tribes sued the bureau earlier this year, arguing it had violated the Endangered Species Act by allowing the Upper Klamath Lake to dip below a certain level in 2020 and 2021 that is necessary for successful sucker fish spawning.

The tribes asked the judge to order the bureau to reduce downriver water releases from the lake while the rest of the case worked through the courts, but U.S. District Judge Michael McShane declined. If granted, the order would have meant less water in the Klamath River to combat disease outbreaks downstream that are a huge concern for the Yurok and Karuk tribes and a threat to coho salmon.

The bureau argued it wasn't liable for harm done to sucker fish this year because of the extreme drought and has no control over how much water enters Upper Klamath Lake in dry times.

"The Bureau cannot control the current hydrologic conditions; they can only work within these natural limitations," McShane wrote. "The Bureau is not responsible for the unprecedented drought this year."

Jay Weiner, the Klamath Tribes' lawyer, said his clients were still reviewing the ruling and were not able to comment on the specifics.

"It's safe to say we're disappointed," he told the newspaper. — *Associated Press*

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